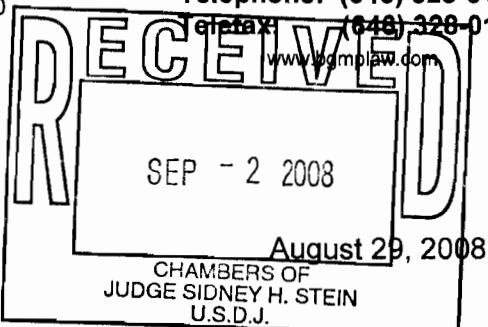


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Via ECF

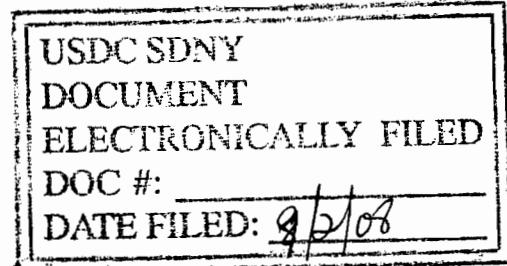
Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 249  
New York, New York 10007

**MEMO ENDORSED**

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Joseph J Perrone, Partner  
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Re: Pickman v. M/V Nicholas Miller  
Civil Action No.: 08-CV-7306  
Our File: D717

Honorable Sir:

We represent Defendant Millers Launch in the above captioned matter. We write with the full consent of our adversary. This matter is scheduled for a final pretrial conference on September 8, 2008 at 2:00 p.m. before you honor. The parties are due to and shall file their Joint Pretrial Order, Request to Charge and Trial Memos, on September 2, 2008. Although the Court's Order of June 10<sup>th</sup>, makes no mention of a trial date, attorney James' notes reflect that the trial is to start on September 15<sup>th</sup>.

The final pretrial conference that is scheduled for September 8th presents a scheduling issue for the undersigned. I am involved in a multimillion dollar fire case for the Port of Wilmington Delaware and September 8th was the only date all six of the liability experts and their counsel could attend a joint inspection and testing of the light fixture which caused the fire, and I am required to be there for that testing; since this matter is on track for trial, even though there are no issues between counsel, I would prefer not to send my associate to your Honor's conference. I therefore ask for a very brief adjournment of the conference. All counsel are available 9/9, 9/10 or 9/11.

Separately, the parties have begun settlement discussions and were hoping to have an in person settlement conference / mediation before September 8<sup>th</sup>; but because of schedules, the earliest the parties can actually get together is September 11th. If September 15<sup>th</sup> is not the start of trial, then parties would like to reschedule the pretrial conference to Monday, September 15th to allow them to complete settlement discussions on September 11th.

9/2/08  
Final pretrial conf. adjourned  
Sept 15 at 3:30 p.m. Trial  
adjourned to Sept 22 at 9:30 AM.

SO ORDERED 9/2/08

SIDNEY H. STEIN  
U.S.D.J.

We thank your honor for your kind continued attention to this matter and for our request for a small adjustment of the schedule.

Respectfully submitted,

Joseph J. Perrone

JJP/ap

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cc: Friedman, James & Buchsbaum, LLP  
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Attention: John P. James